

City of Portland, Oregon **Bureau of Development Services**

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor Rebecca Esau, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: February 25, 2019 To: Interested Person

Don Kienholz, Land Use Services From:

503-823-7771 / Don.Kienholz@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 18-271132 AD

GENERAL INFORMATION

Applicant: Chandra Robinson

Lever Architecture

4713 N Albina Ave, 4th Floor

Portland OR, 97217

Owner: 2045 N Vancouver, LLC

1125 SE Division St #209

Portland, OR 97202

Site Address: 2045 N VANCOUVER AVE

BLOCK 33 LOT 15&16 TL 700, ALBINA; BLOCK 33 LOT 17-20 TL Legal Description:

7600, ALBINA

R009612360, R009612380 Tax Account No.:

State ID No.: 1N1E27DC 00700, 1N1E27DB 07600

Quarter Section: 2830

Neighborhood: Eliot, contact at lutcchair@eliotneighborhood.org.

Business District: Soul District Business Association, contact at info@nnebaportland.org,

> Williams Vancouver Bus. Assoc., contact annabelle@northportlandwellness.com

District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-

388-6088.

Plan District: Albina Community

Zoning: EG1 - General Employment 1

Case Type: AD - Adjustment Review

Type II, an administrative decision with appeal to the Adjustment Procedure:

Committee.

Proposal:

The applicant is proposing a new, three-story office building on the subject site located in the northeast corner near the intersection of N. Vancouver Avenue and N. Tillamook Street. The building is oriented north-south with a driveway taking access onto N. Tillamook Street and leading to three surface parking spaces to the rear of the building and 18 parking spaces in a mechanical parking garage. The east facing façade is approximately 175-feet long with the northern 92-feet proposed at just over 7-feet from the eastern property line along N. Vancouver Avenue and the southern 84-feet proposed to be 20-feet from the same eastern property line.

The subject site is within a Pedestrian District and N. Vancouver Avenue is classified as a Transit Street while N. Tillamook Street has no designation. Minimum building setbacks for the EG1 zone are found in Portland Zoning Code Section 33.140.215 and Table 140-2. The EG1 zone also has maximum building setbacks for properties in a Pedestrian District or along a Transit Street, which are 10-feet. For sites in a Pedestrian District where there is one transit street and one intersecting non-transit street, the maximum setback regulations require 100% of the length of the ground level street-facing façade of a new building to be within 10-feet of the property line (Portland Zoning Code section 33.140.215.C.1.e(5)). Because an 84-foot long segment of the ground level street-facing façade on a transit street is more than 10-feet from the property line, an Adjustment is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in Portland Zoning Code Section 33.805.040 Adjustment Approval Criteria.

ANALYSIS

Site and Vicinity: The subject site is an approximately 25,000 square foot site at the extreme southern and of the Vancouver-Williams couplet at the intersection of N. Vancouver and N. Tillamook Street just north of Interstate 5 and the Rose Quarter. An approximately 10,000 square foot, single-story industrial/warehouse type building occupies the northern half of the site with access onto both N. Vancouver and N. Tillamook Street. The property is zoned General Employment 1 (EG1) with another EG1 property located kitty-corner across the street. Immediately to the north and east are blocks zoned Commercial Mixed Use-3, a new zone placed on the properties in early 2018 that allows a mixture of uses including retail sales and service and household living. To the west across Interstate 5 lies an industrial zoned area that ties directly to the Willamette River. To the south and across I-5 is the Rose Quarter and to the south east is the Lloyd District.

Zoning: The General Employment 1 (EG1) zone is one of two zones that implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, industrially-related, and office uses, typically in a low-rise, flex-space development pattern. Retail uses are allowed but limited in intensity to maintain adequate employment development opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.

The Albina Community plan district implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multidwelling housing projects. The plan district's provisions also encourage the development of new

housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 24, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Fire Bureau (Exhibit E.2);
- Life Safety (Exhibit E.3);
- Site Development Section of BDS (Exhibit E.4); and
- The Bureau of Transportation Engineering and Development Review (Exhibit E.5).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Finding: The applicant is requesting an Adjustment to the 10-foot maximum street setback to a transit street in a pedestrian district as required in Portland Zoning Code Section 33.140.215.C and Table 140-2. The purpose of setbacks in the Employment and Industrial zones are found in 33.140.215.A:

"The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users." (Emphasis added)

The maximum street setback standard is in place to help create an environment that is inviting to pedestrians and transit users. This is accomplished by having storefronts up close to the sidewalks where passersby can look into stores or shops from the customary walking zone of the streetscape. Active storefronts and streetscapes provide improved safety by connecting the space inside of buildings to the streets; provide an improved pedestrian experience by providing shade or covered areas from rain or sun; and create an atmosphere of community.

As shown on the site plan (Exhibit C.X), while approximately 92-feet of the proposed 175-foot building's wall is within 10-feet of the property line along N. Vancouver Avenue, 84-feet of the building wall is set back 20-feet from the property line. In lieu of having that 84-foot wall segment within 10-feet of the property line, the proposal calls for a public plaza between the building and property line. The plaza will include the main entrance to the building, connecting the interior with the exterior public space and the pedestrian district and transit street. Additionally, the plaza will include at least one bench for the public to use while waiting for a bus or to utilize the space of the plaza; this will be a condition of approval. Lastly, the proposal calls for a planter behind the bench providing softening vegetation that can also provide inviting texture color or fragrance to the space. Along the southern half of the property line adjacent to the public plaza and along N. Vancouver

Avenue the applicant is proposing a landscaped corridor consisting of Saskatoon Serviceberry shrubs.

Staff finds that providing a public plaza with a bench, main entrance and landscaped amenities equally meets the purpose of creating an environment that is inviting to pedestrians and transit users, and will be included as a condition of approval.

Criterion met.

B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Finding: The subject property is in an employment zone, therefore the proposal must be consistent with the classifications of the adjacent streets and the desired character of the area.

The street classifications for the site are as follows:

Street	Traffic	Transit	Emergency Response	Bicycle	Pedestrian	Freight
N. Vancouver	Neighborhood Collector	Major Transit Priority	Major Emergency Response	Major City Bikeway	Local Service (In Pedestrian District)	Local Service
N. Tillamook	Local Access Street	Local Service	Minor Emergency Response	City Bikeway	Local Service (In Pedestrian District)	Local Service

Local service streets for traffic, transit, emergency response, pedestrian and freight are intended to serve the local circulation needs for their respective modes as well as provide convenient access to local destinations, including safe routes to schools. Local service classifications tend to use smaller transit vehicles and seldom have frequent bus service or stops.

Streets with a 'Major' classification, such as Major Transit Priority, Major Emergency Response, Major City Bikeway, form the backbone of the respective systems and facilitate the frequent and reliable movement of vehicles, bikes, and transit. They connect the central city, regional centers and town centers with each other. Land uses give priority to higher intensity uses that need or feed into the major classifications.

The subject site is proposed to be occupied by an office headquarters that serves the region. The proposal shifts the building's east facing wall 20-feet from the east property line and creates a public plaza. The building's main entrance is off the plaza which will connect the internal space to the plaza and keep it active. At least one bench will be included in the plaza up against a vegetated shelf and a line of shrubs will mark the southern end of the plaza, providing an activated space that will blend the work space with the pedestrian district. Bike parking is provided in the plaza. As designed, the plaza and necessary Adjustment will allow for intense pedestrian use, bike use and provide a respite for transit users who utilize the frequent bus service along N. Vancouver. Based on these facts, staff finds the proposal is consistent with the street classifications.

The desired character of an area is a term of art defined in Portland Zoning Code Section 33.910:

'Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

The subject site is in the Albina Community Plan District and in the Eliot neighborhood. After reviewing the plan documents, staff has identified the following relevant policies/goals:

Albina Community Plan

<u>Policy I Land Use, Livable Neighborhoods</u>: Creating a public space such as the proposed plaza provides a pedestrian connection between the office building and neighborhood. The active and usable space helps create the ambiance found in desirable and thriving neighborhoods. Staff finds the public plaza, bench, bike racks and landscaping will create an area that contributes to a livable neighborhood.

Eliot Neighborhood Plan

<u>Policy 8: Livability and Safety</u>: Like the Albina Community Plan, the Eliot Neighborhood Plan also has policies to improve livability and safety issues. As noted earlier, having a public plaza will help connect the site to the pedestrian district and create an active space that will allow more eyes on the street for crime prevention.

<u>Policy 11: Southern Eliot:</u> This policy encourages allowing a mix of uses, such as the office use proposed for the site as well as promoting street furniture and features to provide pedestrian amenities and reinforce historic character. The proposed plaza will be available to the public and provide the desired street furniture.

As discussed above, the proposal meets the envisioned character and objectives of the identified adopted plan policies and goals.

Criterion met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Finding: Only one Adjustment was requested therefore this criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved; and

Finding: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Finding: The proposal pushes a significant portion of the building façade back from the property line along N. Vancouver Avenue and in doing so creates a plaza available to the public that features seating, bike racks and landscaping. The creation of the public plaza mitigates the additional 10-foot setback of the southern portion of the proposed building.

Criterion met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Finding: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant has demonstrated that increasing the maximum building setback to a transit street and pedestrian district from 10-feet (33.140.215.C.1.e) to 20-feet for an 84-foot long segment while providing a public plaza with the building's main entrance, a bench, bike parking and landscaping equally meets the purpose of the setback standard to create an environment that is inviting to pedestrians and transit users. Additionally, the increased setback will be consistent with the street classifications of N. Vancouver and N. Tillamook; will maintain the desired character of the area; and will not impact historic, environmental or scenic resources. With the application meeting the approval criteria, it must be approved.

ADMINISTRATIVE DECISION

Approval of increasing the maximum building setback to a transit street and pedestrian district from 10-feet (33.140.215.C.1.e) to 20-feet along an 84-foot long segment of the eastern façade, per the approved site plans, Exhibits C.1 through C.2, signed and dated February 21, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 18-271132 AD. No field changes allowed."
- B. The applicant shall provide at least one bench having a minimum length of 8-feet in the public plaza; more benches are permitted. The plaza must remain open to the public during the hours Tri-Met operates bus service along N. Vancouver Avene.

Staff Planner: Don Kienholz

Decision rendered by: ______ on February 21, 2019
By authority of the Director of the Bureau of Development Services

Ly dutionly of the Enector of the Europe of Everopment out

Decision mailed: February 25, 2019

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on November 28, 2018, and was determined to be complete on January 15, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 28, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 27, 2019.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 11, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

• *Unless appealed*, the final decision will be recorded after March 11, 2019 by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials
 - 1. Original November 28, 2018 Narrative
 - 2. January 15, 2018 Supplemental Project Description
 - 3. November 28, 2018 Vicinity Air Photo
 - 4. November 28, 2018 Applicant Zoning Map
 - 5. November 28, 2018 Site Plan
 - 6. November 28, 2018 West and East Conceptual Elevation Drawings
 - 7. November 28, 2018 North and South Conceptual Elevation Drawings
 - 8. January 15, 2019 Vicinity Air Photo
 - 9. January 15, 2019 Applicant Zoning Map
 - 10. January 15, 2019 Site Plan
 - 11. January 15, 2019 Bench Detail
 - 12. January 15, 2019 Stair Detail
 - 13. January 15, 2019 Site Fence Detail
 - 14. January 15, 2019 West and East Conceptual Elevation Drawings
 - 15. January 15, 2019 North and South Elevation Drawings
 - 16. January 28, 2019 Vicinity Air Photo
 - 17. January 28, 2019 Applicant Zoning Map

- 18. January 28, 2019 Bench Detail
- 19. January 28, 2019 Stair Detail
- 20. January 28, 2019 Site Fence Detail
- 21. January 28, 2019 West and East Conceptual Elevation Drawings
- 22. January 28, 2019 North and South Conceptual Elevation Drawings
- 23. Applicant's Copy of EA 18-142709 Summary Notes
- B. Zoning Map (Attached)
- C. Plans/Drawings:
 - 1. Site Plan (Attached)
 - 2. Landscaping Plan (Attached)
- D. Notification Information:
 - 1. Mailing List
 - 2. Mailed Notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Fire Bureau
 - 3. Life Safety
 - 4. Site Development Review Section of BDS
 - 5. Bureau of Transportation Engineering and Development Review
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Receipt of Payment
 - 3. Additional Ownership Information
 - 4. December 12, 2018 Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).





